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Title: AN ORDINANCE relating to emergency powers; and amending Ordinance 1058, Section 3, as amended, and K.C.C. 12.52.030.

Sponsors: Kathy Lambert

Indexes: Emergency Services

Code sections: 12.52.030 - .

Attachments: 1. Ordinance 17510.pdf, 2. Staff Report 2012-0451 Emergency Powers.doc, 3. Attachment 1 Proposed Ordinance.doc

Date	Ver.	Action By	Action	Result
1/14/2013	1	Metropolitan King County Council	Hearing Held	
1/14/2013	1	Metropolitan King County Council	Passed	Pass
12/11/2012	1	Law, Justice, Health and Human Services Committee	Recommended Do Pass Consent	Pass
11/26/2012	1	Metropolitan King County Council	Introduced and Referred	

Clerk 11/14/2012

AN ORDINANCE relating to emergency powers; and amending Ordinance 1058, Section 3, as amended, and K.C.C. 12.52.030.

PREAMBLE:

Public safety is the most fundamental purpose of government, and citizens rightfully expect government to respond rapidly in the face of significant threats to life and property, emergencies, natural disasters and other calamities. Federal law, state statute and county code have long prescribed the powers of governments when emergencies or disasters occur. This is true in King County where many of the code sections describing the county’s emergency powers were enacted over forty years ago. The council has determined that, in addition to the importance of acting proactively to address significant threats of emergencies, the county needs to ensure that

its code is updated to encompass changes in federal or state law and to remain in every way current so as to not be challenged when used during an emergency. Therefore, updating the county code sections that delineate the emergency powers of the executive during an emergency to conform to changes made in state statute, changes that the courts have already determined pre-empt local law will assure that, when needed, the county's emergency powers will not be in any way challenged and can be fully enforced in times of emergency or disaster.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 1058, Section 3, as amended, and K.C.C. 12.52.030 are each hereby amended to read as follows:

The executive shall see that the Washington ~~((S))~~ state laws and ordinances of King County are enforced, ~~((and))~~ shall direct and control all subordinate officers of the county, ~~((except insofar as such))~~ unless the enforcement, direction and control ~~((is by King County Charter reposed))~~ rests in some other officer or board by the King County Charter, and shall maintain the peace and order in King County.

A. Whenever an emergency or disaster occurs in King County and results in the death or injury of persons or the destruction of property~~((;))~~ or involves the potential for ~~((flowing [flooding]))~~ flooding arising out of the diminished capacity of the Howard Hanson dam, to such an extent as to require, in the judgment of the executive, extraordinary measures to protect the public peace, safety and welfare, the executive may ~~((forthwith))~~ proclaim in writing the existence of such an emergency.

B. Upon the proclamation of an emergency by the executive, and during the existence of such emergency, the executive may make and proclaim any or all of the following orders:

1. An order recalling King County employees from vacation, canceling days off, authorizing overtime ~~((;))~~ or recalling selected retired employees;
2. An order waiving ~~((the requirements of))~~ K.C.C. chapters 4.04, 4.16, 4.18~~((;))~~ and 12.16 and K.C.C. 12.18.095 with reference to any contract relating to the county's lease or purchase of supplies, equipment,

personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts. ~~((Provided, h))~~ However, ~~((that))~~ an emergency waiver ~~((of the requirements under))~~ K.C.C. chapters 4.18, 12.16 and 12.18 shall not amend the annual utilization goals, unless the emergency makes it impossible to achieve the annual utilization goals.

3. An order directing evacuation ~~((and/))~~ or clearing of debris and wreckage caused by an emergency or disaster from publicly and privately owned lands and waters;

4. An order imposing a general curfew applicable to King County as a whole, or to ~~((such))~~ any geographical area or areas of King County and during ~~((such))~~ any hours, as the executive deems necessary~~((; and from time to time to))~~. The executive may modify the hours ~~((such))~~ curfew will be in effect and the area or areas to which it will apply at any time;

5. An order requiring any or all business establishments to close and remain closed until a further order;

6. An order requiring discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of King County, ~~((and/))~~ or the closure of any and all bars, taverns, liquor stores~~((;))~~ and other business establishments where alcoholic beverages are sold or otherwise dispensed~~((; provided that))~~.

However, with respect to those business establishments ~~((which))~~ that are not primarily devoted to the sale of alcoholic beverages and in which ~~((such))~~ alcoholic beverages may be removed or made secure from possible seizure by the public, the portions ~~((thereof))~~ of the business establishment utilized for the sale of items other than alcoholic beverages may, in the discretion of the executive, be allowed to remain open;

7. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

8. An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;

9. ~~((An order prohibiting the carrying or possession of firearms or any instrument which is capable of producing bodily harm and which is carried or possessed with intent to use the same to cause such harm; provided that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties;~~

~~10.))~~ An order granting emergency postponement of King County permit procedures for public work projects, as defined by RCW 39.04.010, responding to conditions of the emergency ~~((and/))~~ or for restoration of public facilities damaged as a result of the emergency. ~~((Such))~~ Any postponement~~((s))~~ under this subsection shall be temporary. All projects must comply with all applicable code requirements. A permit and inspection must be obtained as soon as possible after work has begun, but permit application shall be made no later than six months after the date of the emergency proclamation~~((:))~~; and

~~((1/))~~ 10. ~~((Such))~~ Any other orders as are imminently necessary for the protection of life and property.

C. Any executive order authorized by this section shall~~((:))~~ be filed with the clerk of the council not later than 10:00 a.m. of the second business day after it is issued, except for orders waiving ~~((requirements of))~~ K.C.C. chapters 4.04, 4.16, 4.18, 12.16 and 12.18. Executive orders issued under authority of this section shall continue in force and effect until terminated by order of the executive or action by the council by ordinance. ~~((Provided, h))~~ However, ~~((that))~~ orders waiving ~~((the requirements of))~~ K.C.C. chapters 4.04, 4.16, 4.18, 12.16 and 12.18 shall terminate as provided for in K.C.C. 4.16.050.

D. Any proclamation issued by the executive pursuant to the authority of this chapter shall be delivered to all news media within King County and shall utilize such other available means as ~~((shall be))~~ are necessary, in the executive's judgment, to give notice of such proclamation to the public.

E. It shall be a misdemeanor for anyone to fail or refuse to obey any ~~((such))~~ order proclaimed by the executive under this section. Anyone convicted of a violation of this section is punishable by a fine of not more than one thousand dollars or by imprisonment for not more than

ninety days, or both ((~~such~~)) fine and imprisonment.